

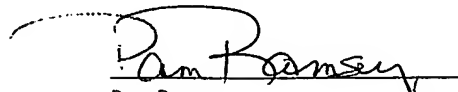


IFW

**CERTIFICATE OF MAILING**

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Deposited: February 15, 2007

  
Pam Ramsey

Attorney Docket No.: 01053

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Justin et al.

Group: 1743

Serial No.: 10/695,550

Examiner: N. Levkovich

Filing Date: October 28, 2003

Customer No.: 35467

Confirmation No: 5431

For: TRANSPORT SYSTEM FOR TEST SAMPLE CARRIER

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

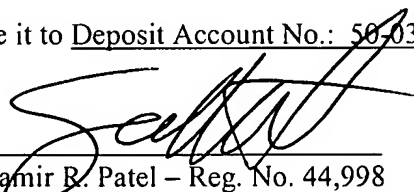
Applicants respectfully submit the following for filing in the above-referenced application:

- (1) a Transmittal;
- (2) a Response to Restriction Requirement; and
- (3) a Postcard.

If any fee is due with this submission, please charge it to Deposit Account No.: 58-0364.

Date: February 15, 2007

By:

  
Samir B. Patel – Reg. No. 44,998  
Senior Patent Counsel

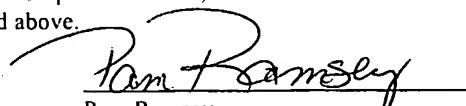
bioMerieux, Inc.  
100 Rodolphe Street  
Durham, North Carolina 27712  
Tel.: (919) 620-2914



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Justin et al.	Group:	1743
Serial No.:	10/695,550	Examiner:	N. Natalia
Filed:	October 28, 2003	Customer No.:	35467
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**RESPONSE TO RESTRICTION REQUIREMENT**

SIR:

Applicants respectfully submit this response further to the Office Action mailed February 8, 2007.

In the Office Action of February 8, 2007, the Examiner has issued a restriction requirement requiring election of one of the following groups of claims for continued prosecution:

- Group I: Claims 1-9, drawn to a transport system for automatic sample testing machine, classified in class 422, subclass 63;
- Group II: Claims 10-12, drawn to an automatic sample testing machine, classified in class 422, subclass 50; and

Group III: Claims 13-17, drawn to a method of determining a position of a carrier moved through a sample testing machine, classified in class 73, subclass 1.85.

In response to this restriction requirement, Applicants elect without traverse Group 1, Claims 1-9, for the purpose of continued prosecution in this application.

Furthermore, in the Office Action the Examiner has issued a further restriction with respect to the following patentably distinct species of the claimed invention:

Species I: Claims 1-5, drawn to a transport system, which includes carrier position tracking sensors disposed along the carrier path; and

Species II: Claims 6-9, drawn to a transport system including a ramp at the entrance station.

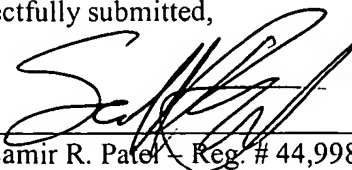
In response to this further restriction, Applicants elect without traverse Species 1, Claims 1-5, for the purpose of continued prosecution in this application.

Applicants reserve the right to file a divisional(s) for the claims not elected in response to the restriction requirement.

An early and favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

By:



Samir R. Patel - Reg. # 44,998  
bioMerieux, Inc.  
100 Rodolphe Street  
Durham, NC 27712  
Tel. (919) 620-2914

February 15, 2007